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12 Attorneys for Defendants David H. McCormick
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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 JONATHAN CROWELL, on plaintiff's own behalf
18 and on behalf of all others similarly situated,

19 Plaintiff,

20 v.

21 DAVID H. MCCORMICK and ROBERT M.
22 CALDERONI,

23 Defendants.

Case No.: 3:06-CV-05575-MHP

Assigned to Hon. Marilyn Hall Patel

JOINT STIPULATION AND
~~PROPOSED~~ ORDER SETTING TIME
FOR PLAINTIFF JONATHAN
CROWELL TO FILE AMENDED
COMPLAINT AND EXTENDING
DEFENDANTS' TIME TO FILE A
RESPONSIVE PLEADING THERETO

1 WHEREAS, Plaintiff Jonathan Crowell, on Plaintiff's own behalf and on behalf of
2 all others similarly situated ("Plaintiff"), filed the Complaint for Violations of Federal Securities
3 Laws (the "Complaint") in this matter in the United States District Court for the Eastern District of
4 Virginia ("the Virginia District Court") on October 31, 2005;

5 WHEREAS, by stipulation filed with the Virginia District Court, the parties (1)
6 requested transfer of the action to this Court; (2) agreed that upon transfer of the action, they
7 would meet and confer to establish a mutually agreeable schedule for Plaintiff to file an amended
8 complaint and for Defendants David H. McCormick and Robert M. Calderoni ("Defendants") to
9 file a responsive pleading thereto; and (3) requested the Virginia District Court to order that
10 Defendants' time to respond to Plaintiff's Complaint be extended until 60 days after the court
11 enters the order transferring the action to this Court;

12 WHEREAS, the Virginia District Court entered an order on August 28, 2006 (1)
13 transferring the action to this Court, and (2) extending Defendants' time to respond to Plaintiff's
14 Complaint until 60 days after the entry of that order;

15 WHEREAS, pursuant to their previous stipulation, the parties have met and
16 conferred, and have agreed that Plaintiff shall have 60 days from the date of this stipulation to file
17 an amended complaint;

18 WHEREAS, the parties further agree that, once the amended complaint is filed,
19 they will meet and confer to establish a mutually agreeable briefing schedule that complies with
20 this Court's Standing Orders for Defendants to file a responsive pleading to that amended
21 complaint;

22 WHEREAS, the parties agree to propose such briefing schedule to the Court at the
23 initial Case Management Conference currently scheduled for January 29, 2006;

24 NOW THEREFORE, the parties by and among their undersigned counsel, hereby
25 jointly stipulate and request the Court order as follows:

26 1. Plaintiff shall have 60 days from the date of this stipulation to file an
27 amended complaint.

28 2. Plaintiff and Defendants shall meet and confer, after Plaintiff files an

1 amended complaint, to establish a mutually agreeable briefing schedule for Defendants to file a
2 responsive pleading thereto.

3 Dated: October 3, 2006

SHEARMAN & STERLING LLP

5
6 By: _____

Jeffrey S. Factor

7 Attorneys for Defendants David H. McCormick and
8 Robert M. Calderoni

9
10 Dated: September 29, 2006

GLANCY BINKOW & GOLDBERG LLP

11
12 By: _____

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26 Attorneys for Plaintiff Jonathan Crowell

27 ORDER

28 IT IS SO ORDERED. The Case Management Conference date remains in effect.

DATED: 10/4/2006

HONORABLE MARILYN H. PATEL
UNITED STATES DISTRICT COURT JUDGE

JT STIP TO SET TIME FOR PL J. CROWELL 2
TO FILE AMENDED CMPLT; [P] ORDER

